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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/724,408 | 11/26/2003 | Eugene P. Pache JR. | 16066-10003 | 1052 |
| 27526 7590 02/13/2008 BLACKWELL SANDERS LLP 4801 Main Street Suite 1000 KANSAS CITY, MO 64112 | | | | |
| EXAMINER RAPILLO, KRISTINE K | | | | |
| ART UNIT 3626 | | PAPER NUMBER | | |
| MAIL DATE 02/13/2008 | | DELIVERY MODE PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,408

Applicant(s)

PACHE ET AL.

Examiner

KRISTINE K. RAPILLO

Art Unit

3626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 2 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 3/8/2004.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 30 are pending.

Specification

1. The disclosure is objected to because of the following informalities: Reference character 102 refers to the computer however, in paragraph 60, reference character 102 references the processing unit.

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 1A - 212, 214, and 216; Figure 3A – 308, 310, and 314; and Figure 3C – 334. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "216" has been used to designate both "system bus" and "video interface" in Figure 1A and in paragraph [0063] of the specification.

Claim Objections

4. Claims 2 and 25 are objected to because of the following informalities: Improper punctuation used in claims 2 and 25 - the MPEP states periods should only be used at the end of a claim, not in the body of the claim unless it is an abbreviation (see MPEP 608.01(m)[R-3]). Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "wherein said specific questions" is unclear. It appears as if a portion of the claim has been omitted after the phrase "wherein said specific questions".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1 – 8, 15 – 18, 22 – 24, and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by www.WebMD.com (2001, a subsidiary of Medical Network, Inc.).

In regard to claim 1, www.WebMD.com teaches a method in a computing environment for providing disease specific medical information comprising:

- Providing access to a registered patient (page 2, paragraph 2 and pages 18 – 19, paragraph 61);
- Providing a secure central data repository (page 28, paragraph 63);
- Receiving one or more questions from said patient, storing said questions in said secure central data repository (page 34, paragraph 136; page 35, paragraph 141; page 36, paragraph 146, and page 37, paragraph 149);
- Receiving a response to said questions from said one or more board certified physicians (page 34, paragraph 136; page 35, paragraph 141; page 36, paragraph 146, and page 37, paragraph 149); and
- Providing notification of said response to said patient and storing said response in said secure central data repository (page 34, paragraph 136; page 35, paragraph 141; page 36, paragraph 146, and page 37, paragraph 149).

In regard to claim 2, www.WebMD.com teaches a method as recited in Claim 1, further comprising providing notification of said questions to one or more board certified physicians (page 36, paragraph 146 and page 39, paragraph 150).

In regard to claim 3, www.WebMD.com teaches a method as recited in Claim 1, further comprising compiling a sterilized list of said questions and response for access and viewing by a second patient (page 37, paragraph 149).

In regard to claim 4, www.WebMD.com teaches a method as recited in Claim 1, wherein said questions and response are not actually transmitted between said patient and physicians and are instead securely referenced (page 34, paragraph 136).

In regard to claim 5, www.WebMD.com teaches a method as recited in Claim 3, wherein said sterilized list contains no identifying information of said patient (page 37, paragraph 149).

In regard to claim 6, www.WebMD.com teaches a method as recited in Claim 3, wherein said second patient need not be registered or logged in (page 18, paragraph 61).

In regard to claim 7, www.WebMD.com teaches a method as recited in Claim 1 further comprising providing said patient with unlimited access to said one or more questions and responses (page 37, paragraph 149).

In regard to claim 8, www.WebMD.com teaches a method as recited in Claim 1, wherein condition histories of said registered patient is stored in said secure central data repository (pages 10 – 11, paragraphs 12 through 14).

In regard to claim 15, www.WebMD.com teaches a method in a computing system for managing content that is presented to an end user, comprising:

- Providing for the addition of one or more new articles to a content repository and categorizing of said new articles into one of more content areas simultaneously (page 4, paragraph 3); and
- Providing for the addition of consultation question and answers to said content repository (page 37, paragraph 149).

In regard to claim 16, www.WebMD.com teaches the method recited in Claim 15, wherein said one or more content areas includes a collection of related articles that form an area of a website (page 34, paragraph 136).

In regard to claim 17, www.WebMD.com teaches the method recited in Claim 15, wherein said one or more content areas includes a marquee (page 15, paragraph 44).

In regard to claim 18, www.WebMD.com teaches the method recited in Claim 15, wherein said one or more content areas includes a breaking news collection (page 4, paragraph 3).

In regard to claim 22, www.WebMD.com teaches the method recited in Claim 15 wherein said one or more articles is a created and published weekly article alert email newsletter (page 35, paragraph 145).

In regard to claim 23, www.WebMD.com teaches the method recited in Claim 15 wherein said one or more articles includes video in Macromedia Flash Video format converted from standard video (page 6, paragraphs 5 - 6).

In regard to claim 24, www.WebMD.com teaches the method recited in Claim 15 where said one or more content areas includes interactive medical diagnostic tools (page 19, paragraph 64) where the health risk appraisal tool is an educational feature of WebMD.com which interactively determines the risk of a persons health based on an individual and family health history.

In regard to claim 27, www.WebMD.com teaches a method in a computing environment for managing XML fed clinical trial data to facilitate search and presenting said trials, comprising:

- Utilizing a content management component to classify the clinical trial data for placement (page 8, paragraphs 8 - 11);
- Utilizing a content delivery engine to locate and place the clinical trial data (page 8, paragraphs 8 - 11); and
- Utilizing a website and page replication component to deliver the clinical trial data (page 8, paragraphs 8 - 11).

9. Claims 25 and 28 – 30 are rejected under 35 U.S.C. 102(a) as being anticipated by www.godaddy.com (2001).

In regard to claim 25, www.godaddy.com teaches a multi-portal information dissemination system for providing categorized and specific information on pages in websites that are search engine relevant, comprising:

- A content management component (page 3, paragraphs 7 – 25);
- A content delivery engine (page 9, paragraph 33); and
- A website and page replication component (page 9, paragraph 33). The Examiner interprets the page replication component to actually be a process in

which the website/web page is updated simultaneously to multiple servers, thereby eliminating down time if the main server crashes.

- Wherein said content management component categorizes one or more informational items for placement in one or more areas of the websites (page 3, paragraphs 7 – 25);
- Wherein said content delivery engine presents the categorized informational items in said one or more areas of the websites (page 6, paragraph 28).
- Wherein said content management component also provides for entry and manipulation of content, utilized by said content delivery engine to provide content for the pages (page 9, paragraph 33); and
- Wherein said website and page replication component utilizes the categorized informational items to generate the pages and the websites (page 9, paragraph 33).

In regard to claim 29, www.godaddy.com teaches a method in a computing environment for inspecting and monitoring one or more parameters in a Macromedia Flash movie during runtime execution of a website by utilizing a tree view display of said parameters, wherein said parameters are associated with global objects (page 6, paragraph 28).

In regard to claim 30, www.godaddy.com teaches a method as recited in claim 29, further comprising a trace window to display definable messages (page 5, paragraph 27).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 9 – 14, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.WebMD.com and www.godaddy.com.

In regard to claim 9, www.WebMD.com teaches a method in a computing environment for providing rapid update and replication of a website and corresponding pages, having high relevance to search terms on a network comprising:

- Providing a portal designation that represents one or more domains (page 2, paragraph 2);
- Providing a site designation that represent each of said domains and specifying related links for said site (page 2, paragraph 2);
- Providing one or more site pages for each of said sites (page 2, paragraph 2);
- Providing one or more content items for one or more pages that are associated with said one or more site pages (page 2, paragraph 2); and
- Providing a plurality of links for said one or more pages (page 2, paragraph 2).

www.WebMD.com fails to teach a method utilizing information on said sites and said one or more pages in combination with a plurality of meta data to write a page header, build link menus, generate page content and generate a static HTML file for each of said one or more pages.

www.godaddy.com teaches a method utilizing information on said sites and said one or more pages in combination with a plurality of meta data to write a page header, build link menus, generate page content and generate a static HTML file for each of said one or more pages (page 3, paragraphs 8 – 25).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method utilizing information on said sites and said one or more pages in combination with a plurality of meta data to write a page

header, build link menus, generate page content and generate a static HTML file for each of said one or more pages as taught by www.godaddy.com with the motivation of building a web site or web page customized to the owners specifications or preferences (www.godaddy.com, page 1, paragraph 2). www.WebMD.com utilizes the features taught by www.godaddy.com, however the description of the web page creation/design is not disclosed. www.godaddy.com discloses the various functions need to create a web page or web site, therefore it would be obvious to combine the teachings of www.WebMD.com and www.godaddy.com.

In regard to claim 10, www.WebMD.com teaches a method in a computing environment for providing rapid update and replication of a website.

www.WebMD.com fails to teach a method as recited in Claim 9 further comprising: Providing one or more entries in a configuration file; wherein said configuration file is utilized by an http Server; and wherein said http server utilizes said entries to channel information requests to the website.

www.godaddy.com teaches a method further comprising:

- Providing one or more entries in a configuration file (page 8, paragraph 30);
- Wherein said configuration file is utilized by an http Server (page 1, paragraph 3);
and
- Wherein said http server utilizes said entries to channel information requests to the website (page 1, paragraph 3).

The motivation to combine the teachings of www.WebMD.com and www.godaddy.com is discussed in the rejection of claim 9, and incorporated herein.

In regard to claim 11, www.WebMD.com teaches a method as recited in Claim 9, wherein said plurality of meta data provide the relevance needed to place the website and corresponding pages high on a search engine (page 1, paragraph 1).

In regard to claim 12, www.WebMD.com teaches a method as recited in Claim 9, wherein the website and corresponding pages provide informational items about a specific disease (page 2, paragraph 2; page 26, paragraphs 92 – 93; and pages 27 – 28, paragraphs 95 – 98).

In regard to claim 13, www.WebMD.com teaches a method as recited in Claim 12, wherein said disease is cancer (page 2, paragraph 2).

In regard to claim 14, www.WebMD.com and teaches a method as recited in Claim 12, wherein said disease is lung disease (page 2, paragraph 2).

In regard to claim 19, www.WebMD.com teaches the method recited in Claim 18, wherein said breaking news collection includes a specified expiration (page 4, paragraph 3).

In regard to claim 20, www.WebMD.com teaches the method recited in Claim 15, wherein said one or more content areas includes an immediate information hotline (page 41, paragraph 151).

In regard to claim 21, www.WebMD.com teaches the method recited in claim 15, further comprising a shopping cart (page 10, health and wellness menu).

www.WebMD.com fails to teach a method comprising an advertisement page creation tool and a publishing protocol.

www.godaddy.com teaches a method further comprising providing a shopping cart and an advertisement page creation tool and publishing protocol (page 3, paragraphs 6 – 25).

The motivation to combine the teachings of www.WebMD.com and www.godaddy.com is discussed in the rejection of claim 9, and incorporated herein.

In regard to claim 26, www.WebMD.com teaches the multi-portal system of Claim 25 further comprising a patient physician consult component, the patient physician consult system comprising:

- A secure forum for the presentation of one or more specific questions by a patient to one or more board certified physicians, wherein said specific questions (page 34, paragraph 136) where www.WebMD.com indicates that a question may be answered directly, pending on the volume of submitted questions; and

- A secure data repository for the storage of a patient's current and/or historical medical condition (page 11, paragraphs 13 – 14).

In regard to claim 28, www.WebMD.com teaches a method in a computing system for presenting informational items to a user, comprising:

- Providing a distinct ladder of menu categories (page 1, paragraph 1);
- Providing a grouping of interactive features that are highlighted and located in the middle of the page (page 6, paragraphs 5 and 6).

www.WebMD.com fails to teach a method providing a scrolling informational item marquee on the page, wherein said user may access the expanded view of an informational item by selecting a representation of the informational item from said scrolling marquee.

www.godaddy.com teaches a method providing a scrolling informational item marquee on the page, wherein said user may access the expanded view of an informational item by selecting a representation of the informational item from said scrolling marquee (page 6, paragraph 28).

The motivation to combine the teachings of www.WebMD.com and www.godaddy.com is discussed in the rejection of claim 9, and incorporated herein.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- www.HealthAtoZ.com (2001) discloses a website offering diagnostic tools, patient registration, a secure central data repository, question and answer sessions with physicians, condition histories of patients, and links to relevant web sites.
- U.S. Publication No. 2002/0022975 A1 (Blasingame et al.) discloses a networked medical information system for clinical practices in which a medical information system provides information to both patients and physicians during, and after an office visit. The patient can follow up on the office visit using a networked site. The physician can provide educational materials, as well as treatment summaries to the patient via the networked site.
- U.S. Publication No. 2004/0172305 A1 (Soerensen et al.) discloses a method and apparatus for delivering health care. Soerensen et al. teaches a computerized healthcare management system which allows healthcare providers, patients, administrators, and educators the ability to communicate as needed. A registered patient is provided access to his personal files via a secure log in through an internet browser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is

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(571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/C. Luke Gilligan/
Primary Examiner, Art Unit 3626